



**King County**

**Department of Development and Environmental Services**

**Land Use Services Division**

900 Oakesdale Avenue Southwest

Renton, Washington 98055-1219

206-296-6600 TTY 206-296-7217

**Critical Area Alteration Exception:  
Instructions & Information  
(formerly Critical Areas Variance)**

For alternate formats, call 206-296-6600.

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**General Information**

The following is a summary of the Critical Area Alteration Exception process and a description of the application submittal requirements. The information for a Critical Area Alteration Exception application is necessary in order to evaluate the merits of a proposal with applicable county and state regulations and to assess the potential community environmental impacts.

An application will be evaluated on the basis of the information provided by the applicant, the King County Comprehensive Plan, pertinent provisions of the King County Code, site inspection, and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard, wetland, aquatic area wildlife habitat conservation area, wildlife habitat network and/or critical aquifer recharge area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area (also known as sensitive area) features on the subject property.

Copies of the King County Codes and Comprehensive Plan are available for inspection at the DDES Permit Center and at the Main Branch of the Seattle Public Library. King County Codes and other development regulations are also available on the Internet via the King County Web site at <http://www.metrokc.gov/>.

Questions related to Critical Area Alteration Exceptions may be answered by calling or contacting:

Department of Development and Environmental Services  
Land Use Services Division  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219  
Telephone: 206-296-6600 TTY: 206-296-7217

**Pre-Application Conference**

A pre-application conference with Land Use Services Division (LUSD) staff is required prior to filing a Critical Area Alteration Exception application. Pre-application request forms and instructions for filing a pre-application conference request are available at the DDES Permit Center. A filing fee is required at the time a request is made, the amount to be determined at the time of filing and based on the latest adopted fee ordinance. LUSD staff will schedule the pre-application conference with thirty (30) days from the date of the request.

**Filing an Application**

A Critical Area Alteration Exception application must be filed in person at the DDES Permit Center. An appointment with a Zoning Technician is required to file the application. Please call 206-296-6797 to schedule the appointment. The minimum submittal requirements necessary to file the application are described below. LUSD staff has twenty-eight (28) days from the date of filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

## **Notice of Application**

Public Comment Period: After LUSD staff determines that the application is complete, a Notice of Application is issued as specified below. The minimum public comment period is 21 days, although public comments may be submitted and considered until the time of the decision.

1. LUSD sends out a notice of the application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, the division may determine it is necessary to notify additional property owners.

2. A notice of the application will be published by LUSD in the official county newspaper and another newspaper of general circulation.

3. The applicant is required to install a notice board that must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by LUSD.

The cost of the board is the applicant's responsibility. LUSD will send the applicant written instructions regarding the specific requirements for the notice board.

4. Notice of the application is also provided to anyone who writes to the division requesting information regarding the Critical Area Alteration Exception request.

## **Method for Processing**

The Director of the Department of Development and Environmental Services has appointed the Manager of Land Use Services Division to make final decisions regarding Critical Area Alteration Exceptions. This process generally takes 120 days provided no appeals are filed or substantial additional information is required. Upon conclusion of review of the application materials, the Manager issues a written decision based on the written record. A copy of the decision is mailed to all parties who have written to the division. There is a 14-day appeal period whereby an aggrieved person can file an appeal together with an appeal filing fee to the King County Hearing Examiner.

In those cases where a proposed action for a Critical Area Alteration Exception also requires county permits, the following procedures shall apply:

1. When other permits require a public hearing before the Hearing Examiner, the review of the Critical Area Alteration Exception shall be combined with the other permit(s), and the Examiner shall act on behalf of the Manager for the purpose of the Critical Area Alteration Exception decision.
2. When other permits are administratively approved, review of the application may be combined with other permits dependent on the granting of a Critical Area Alteration Exception. If not combined, other permits may proceed prior to review and approval of such Critical Area Alteration Exception.
3. In those cases where the Hearing Examiner is presiding, the Examiner will also act as the decision-maker and rule on the Critical Area Alteration Exception.
4. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of Critical Area Alteration Exception requests.
5. No permit shall be approved without prior review and approval of any required Critical Area Alteration Exception.

## **Criteria for Critical Area Alteration Exception Approval**

**K.C.C. 21A.24.070: Alteration exception.** The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:

1. For **linear alterations**, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when all of the following criteria are met:
  - a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;
  - b. the proposal minimizes the adverse impact on critical areas to the maximum extent practical;
  - c. The approval does not require the modification of a critical area development standard established by K.C.C. 21A.24;
  - d. The development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of K.C.C. 21A.24 and the public interest;
  - e. The linear alteration:
    1. connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other public infrastructure owned or operated by a public utility; or
    2. is required to overcome limitations due to gravity.
2. For **nonlinear alterations** the director may approve alterations to critical areas except wetlands, unless otherwise allowed under K.C.C. 21A.24.070.A.2.h., aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:
  - a. There is no feasible alternative to the development proposal with less adverse impact on the critical area;
  - b. The alteration is the minimum necessary to accommodate the development proposal;
  - c. The approval does not require the modification of a critical area development standard established by this chapter;
  - d. The development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;
  - e. For dwelling units, no more than three thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures or other land alteration including grading, utility installations and landscaping but not including the area used for an onsite sewage disposal system;
  - f. To the maximum extent possible, access is located to have the least adverse impact on the critical area and the critical area buffer;
  - g. The critical area is not used as a salmonid spawning area; and
  - h. The director may approve an alteration in a category II, III and IV wetland for development of a public school facility.

## **Submittal Requirements for Filing a Critical Area Alteration Exception Application**

Unless otherwise noted, the following items are required to be submitted at the time of application:

1. [Application for Land Use Permit](#): Submit one (1) original and two (2) copies.
2. [Legal Description](#): Submit one (1) copy.

On a piece of white, legal size 8-1/2" X 14" paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely sure the description is correct and agrees with the property outlined on the Assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description along with the Assessor's map outlined in red.

3. [Assessor's Maps](#): Submit one (1) set.

Submit up-to-date prints of the Assessor's 1/4 section maps covering the area within the application and all property within 500 feet of the boundaries of it. Outline subject property in red pencil and give a parcel number to each ownership. Prints of these must be ordered from the King County Department of Assessments, Room 700A, King County Administration Building, 500 4th Avenue, Seattle 206-296-7300. (Full sheet Assessor maps are required as part of the submittal package. Do not cut, tape, or alter the maps.)

4. [Application for Critical Area Alteration Exception](#): Submit three (3) copies of the application.

5. [Site Plan – drawn to a convenient engineer scale](#): Submit six (6) copies.

- Map scale and north arrow
- Vicinity map: show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers, and municipal boundaries, together with its scale
- Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color
- Locate, name and dimension all existing and proposed streets and other public ways, easements, utility and railroad rights-of-way within and adjacent to the proposed development
- Existing and proposed topography on separate drawings showing at least 5-foot contours to be extending at least 100 feet beyond project boundaries
- Location of any major physical features such as railroads, lakes and rivers, including those within 500 feet of the subject property
- Locate all critical areas and associated buffers on plans. A critical area includes erosion hazards, landslide hazards, steep slope hazards, avalanche, floodplain, wetland, aquatic area, wildlife habitat conservation area, wildlife habitat network and/or critical aquifer recharge area. Indicate if streams are intermittent: 100-year floodplain for rivers, 100-year floodplain for streams, and delineate top and toe of 40% slopes. See K.C.C. 21A.24 for Critical Area Standards and Development Limitations.
- Accurate dimensions, location, and use of all existing and proposed structures on the subject property indicating porches, eaves, fences and signs. Identify any structures to remain or to be removed; identify existing wells and/or septic tank and drainfields

- General size, location, and uses of all existing structures within 100 feet of boundaries of the subject property
  - Show elevations and/or sections of all existing and proposed buildings depicting general character of the structures, relationship between floors, entrances, building height, and grades
  - If any new streets are proposed (public or private), show street construction section or reference to suitable King County Department of Transportation standards (reference "King County Road Standards").
  - Location, dimensions, and design of off-street parking facilities showing points of ingress and egress (see K.C.C. 21A.18 and King County Road Standards)
  - Boundaries of proposed common open space land, if any; indicate proposed use.
  - Proposed public dedications, e.g., school sites, parks, etc. if any, within the site
  - Easements, deed restrictions, or other encumbrances restricting the use of the property
6. Reduced Site Plan: Submit one (1) copy of a reduced site plan on an 8-1/2" X 11" sheet.
7. [Water Availability Certificate](#): Submit three (3) copies of the King County Certificate of Water Availability.

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan, or for connection with a private well from the Seattle-King County Department of Public Health, or

The King County Certificate of Water Availability form concerning water availability to the site must be given to the appropriate existing water purveyor to complete (water district, city, water association) and returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction, a Certificate of Future Connection must be given to the appropriate Group A water purveyor to complete and then returned with this form.

8. [Sewer Availability Certificate](#): Submit three (3) copies of the King County Certificate of Sewer Availability.

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; or

The King County Certificate of Sewer Availability form concerning sewer availability to the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

9. Interim Certificate of Future Water/Sewer Connection: If applicable, submit three (3) copies.

If the site is located in the Urban Growth Area, and an interim on-site sewage system is proposed, consistent with the provisions of K.C.C. 14.24.136, the following information is also required:

- A. The Certificate of Availability form must be submitted to the most logical sewer purveyor to complete (sewer district) and returned with this application along with a letter which demonstrates to the satisfaction of the Director of the Department of Development and Environmental Services that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of the construction; and
  - B. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.
10. Environmental Checklist: (only if required by K.C.C. 20.44) Submit 15 copies.
- Please refer to instructions on the Environmental Checklist form. The applicant will be contracted by LUSD if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the SEPA lead agency for this project, submit both 15 copies of the environmental checklist and threshold determination. If an EIS has been prepared for this proposal, submit three (3) copies with this application.
11. Fire District Receipt: Obtain from the local fire district. Submit one (1) copy.
12. Proof of "Legal" Lot Status: Documentation of the date and method of segregation of the subject property. Submit one (1) copy.
13. [Certificate/Affidavit of Critical Areas Compliance:](#) Submit one (1) copy of the Affidavit Concerning Critical areas Compliance.
14. [Applicant Legal Status Form:](#) Submit one (1) copy of the Certification of Applicant Status form.
15. Copies of variance decisions required per King County Code 21A.
16. List of other issued or pending permits or decisions related to the proposal
17. Permit Review Fees
18. Pre-application Credit Form or Pre-application Meeting Waiver Form: Submit one (1) copy.
19. Other Documents: (Optional at time of application submittal – LUSD may request or require submittal after application has been filed):
- a. Special studies or reports (e.g., traffic studies, wetland reports, geotechnical evaluation). Submit four (4) copies.
  - b. Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8-1/2" X 14" legal-sized file folder.

**Check out the DDES Web site at [www.metrokc.gov/ddes](http://www.metrokc.gov/ddes)**